

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:18-CV-00169-BO

**Jimmy Edwards, et al.,**

Plaintiffs,

v.

**CSX Transportation, Inc.,**

Defendant.

**Order Setting Status Conferences**

The Parties asked the court to hold regular status conferences to address issues that may arise during discovery. D.E. 75. After consideration of this motion and the needs of the case, the court will grant the motion.

The court orders:

**I. Scheduling of Status Conferences**

The court will conduct a status conference by telephone or video with the parties approximately every six weeks. The court may require parties to appear in person as well. The Clerk of Court will provide the necessary call-in or log-in information prior to each conference.

The first conference will take place on Tuesday, April 13, 2021 at 2:00 p.m. The date and time for the next status conferences will be set at the conclusion of each status conference.

**II. Planning for Status Conferences and Pre-Conference Submissions**

Between status conferences, counsel shall confer about any disputes or other issues regarding discovery or scheduling. Counsel shall discuss any items to be included in the agenda for the upcoming status conferences, including:

- The issues each party anticipates addressing at the next status conference;

- Progress made in discovery since the last status conference;
- Any unresolved discovery disputes;
- Any discovery dispute either party anticipates may develop in the future;
- Any other matter that is impeding or may in the future impede discovery; and
- Any other matter regarding discovery or scheduling that either party wishes to bring to the court's attention.

No later than 72 hours before the status conference, the parties must submit a joint agenda outlining the issues that need to be addressed at the status conference.

The agenda should include a summary of the issues the court will need to address for each topic. Each party should provide a summary of their position on the issue. It is unlikely that the court will consider matters at a status conference that are not included in its agenda.

Parties must submit the agenda in PDF format to Documents\_USMJ\_Numbers@nced.uscourts.gov. Edwards is responsible for submitting the agenda unless the parties agree otherwise.

If the parties do not believe a particular status conference is necessary and should be cancelled, they shall notify Judge Numbers's case manager as soon as possible before the conference.

### **III. Guidelines for Discussions Between the Parties**

When this order requires parties to confer, but they may do so in writing. But counsel must make themselves available for follow-up conferral by telephone, video, or in person.

When conferring about a dispute, counsel shall make a good faith effort to resolve the disputes or other issues involved without court intervention. Issues not raised during a meet and confer session should not be raised for the first time during a status conference with the court.

#### **IV. Expedited Review of Disputes Over Written Discovery**

If a party believes in good faith that

- An impasse has been reached over a discovery dispute;
- Resolution cannot wait until the next status conference without having a material adverse impact on the case; and
- The court can resolve the matter in a hearing of less than 30 minutes,

that party may notify the opposing party in writing that it intends to raise the matter with the court using this expedited process.

After providing written notice, the moving party may file a memorandum stating the specific issue or issues facing the parties, the specific relief requested, and the factual and legal basis for such relief. The memorandum's form must comply with the court's Local Civil Rules.

The memorandum shall be no more than five pages or 1,400 words in length, whichever is longer. The provisions of Local Civil Rule 7.1(f)(1) apply to the calculation and certification of compliance with this limit.

Exhibits should only include copies of the discovery materials at issue and evidence related to the disputed matter. They are not to be used to circumvent the page or word limit. For example, a party should not include lengthy emails exchanges arguing the merits of their position with the other side, unless the fact that those exchanges occurred is somehow relevant to the dispute.

The opening memorandum must include a certification (which will not count against the page or word limit)

- That they have conferred in good faith with opposing counsel, by telephone, video, or in person, to resolve the dispute without court intervention;
- That they believe in good faith that these efforts have reached an impasse; and

- That court consideration of the dispute cannot appropriately wait until the next status conference.

Any party may file a response no later than two days after the filing of the opening memorandum. The response is subject to the same requirements on format and length that apply to the opening memorandum.

Promptly after the filing of the response, the parties must confer about potential dates for a hearing. They shall then jointly contact Judge Numbers's case manager by email to arrange for a hearing on the matter.

The subject matter of the hearing shall be limited to the issue or issues presented in the memoranda described above.

#### **V. Award of Expenses**

The provisions of Rule 37 about payments of expenses and attorney's fees apply to all issues raised during a status conference or in a proceeding under the expedited review provision described in this order.

#### **VI. Termination of Status Conferences**

The court will terminate these regular status conferences if it determines that the parties are not making a good-faith attempt to resolve matters without court intervention.

The court may terminate the status conferences if they are not contributing to the just, speedy, and inexpensive resolution of the case. The court may also decline to hold status conferences if it determines they are not an efficient use of the court's resources.

Dated: April 7, 2021



Robert T. Numbers, II  
United States Magistrate Judge